



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,665	01/17/2001	Tsutomu Nagatomi	010017	4559

23850 7590 07/16/2004

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

PARK, CHAN S

ART UNIT PAPER NUMBER

2622

DATE MAILED: 07/16/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,665

Applicant(s)

NAGATOMI ET AL.

Examiner

CHAN S PARK

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu U.S. Patent No. 6,751,346 in view of Applicant's Admitted Prior Art in the Background of the specification pages 1-6 (hereinafter Admitted prior art).

1. With respect to claim 1, Shimizu discloses an electrophotographic recording device using different color toners, comprising:

an automatic color matching mode processing unit (full-automatic mode) which work the color matching processing unit when conditions beforehand decided in the state that an automatic correction mode is set up are realized (default setting in (col. 11, lines 11-32 & fig. 11); and

a manual color matching mode processing unit (manual mode) which work the color matching processing unit when this unit recognizes operator's manual color matching instructing operation in the state that a non-correction mode is set up (col. 11, lines 11-32 & fig. 11).

Shimizu does not disclose expressly the device having a color matching processing unit which perform color matching processing including color slippage correction of different color images.

Admitted prior art discloses an electrophotographic recording device using different color toners having a color matching processing unit which perform color matching processing including color slippage correction of different color images (page 2, lines 10-20).

Shimizu and Admitted prior art are analogous art because they are from the same field of endeavor that is the color printing art.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the automatic/manual mode unit of Shimizu with the color matching processing unit of Admitted prior art.

Since Shimizu performs the color correction and color matching, the suggestion/motivation for combining would have been to heighten the precision of color matching (lines 13-14 of Admitted prior art).

Therefore, it would have been obvious to combine Shimizu and Admitted prior art to obtain the invention as specified in claim 1.

Also, it should be noted that U.S. Patent Application serial number 09/234,455 has been published and described in Japanese Publication number **11-272037** dated October 8, 1999.

2. With respect to claim 2, Shimizu discloses an electrophotographic recording device comprising:

a belt unit which absorb a recording sheet thereon and feeding it at a constant speed;

Art Unit: 2622

electrostatic recording units, arranged along the direction of the feed of the recording sheet, which form latent image corresponding to image data by optical scanning of exposure devices onto rotating photosensitive drums, developing the latent images with toner components having different colors, and then transferring the developed images onto the recording sheet on the belt unit (col. 8, line 61 – col. 10, line 7);

an automatic color matching mode processing unit (full-automatic mode) which work the color matching processing unit when conditions beforehand decided in the state that an automatic correction mode is set up are realized (default setting); and

a manual color matching mode processing unit (manual mode) which work the color matching processing unit when this unit recognizes operator's manual color matching instructing operation in the state that a non-correction mode is set up (col. 11, lines 11-32 & fig. 11).

Shimizu does not disclose expressly the device having a color matching processing unit which perform color matching processing including color slippage correction of different color images.

Admitted prior art discloses an electrophotographic recording device comprising:

a belt unit which absorb a recording sheet thereon and feeding it at a constant speed;

electrostatic recording units, arranged along the direction of the feed of the recording sheet, which form latent image corresponding to image data by optical scanning of exposure devices onto rotating photosensitive drums, developing the latent

images with toner components having different colors, and then transferring the developed images onto the recording sheet on the belt unit (pages 1 & 2); and

a color matching processing unit which perform color matching processing including color slippage correction of different color images (page 2, lines 10-20).

Shimizu and Admitted prior art are analogous art because they are from the same field of endeavor that is the color printing art.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the automatic/manual mode unit of Shimizu with the color matching processing unit of Admitted prior art.

Since Shimizu performs the color correction and color matching, the suggestion/motivation for combining would have been to heighten the precision of color matching (lines 13-14 of Admitted prior art).

Therefore, it would have been obvious to combine Shimizu and Admitted prior art to obtain the invention as specified in claim 2.

Also, it should be noted that U.S. Patent Application serial number 09/234,455 has been published and described in Japanese Publication number **11-272037** dated October 8, 1999.

3. With respect to claim 8, Shimizu further discloses the manual color matching mode processing unit recognizing operator's manual color matching instructing operation, this unit working the color matching processing unit forcibly even if the automatic mode of the automatic color matching mode processing unit is selected (switching from automatic mode to manual mode in fig. 11 & col. 11, lines 27-64).

Art Unit: 2622

4. With respect to claim 9, Shimizu discloses that the color matching processing unit performs density correction of the respective color image designated by the operator (col. 8, lines 15-18; col. 14, lines 36-43 & 60-64).

Admitted prior art also discloses the color matching processing unit performing density correction of the respective color images, as well as color slippage correction of the different color images (page 2, lines 19-20).

5. With respect to claim 10, Shimizu discloses an operation panel (fig. 11) for performing mode selection operation for the automatic color matching mode processing unit, and manual color matching designation operation for the manual color matching processing unit (fig. 12).

6. With respect to claim 11, Shimizu discloses an interface processing unit which perform mode selection operation for the automatic color matching mode processing unit through a screen of a terminal of an external unit connected to a network, and receive and process a request of manual color matching designation operation for the manual color matching processing unit (col. 10, lines 8-16 & col. 11, lines 6-10).

Allowable Subject Matter

7. Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp
June 30, 2004

Chan S. Park
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2600